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December 12, 2022

Hon. Katherine Polk Failla, U.S.D.J.  
Thurgood Marshall  
United States Courthouse  
40 Foley Square  
New York, NY 10007  
VIA ECF

**MEMO ENDORSED**

**Re: Choinski v. Brown Meadow, Inc. et al.**  
**Docket No.: 22-cv-01058-KPF**

Dear Judge Failla,

I represent Plaintiff in this matter. I am respectfully requesting that Your Honor indulge Plaintiff one more time a motion for default judgment (the "Motion") from today to Wednesday, December 14, 2012. It is the third request of this type and two prior requests were granted for good cause. There is no prejudice to any party inasmuch as Defendants defaulted.

The reason for this request is that Plaintiff and his wife are still assembling certain documents and verifying information with their credit union and are to have it delivered to me tonight or early tomorrow. As previously stated, these are elderly people of limited means and circumstances and they alas need a bit more time to provide all the necessary documents and information. I did meet with Plaintiff and his wife all day on Saturday but Plaintiff realized that he needed to verify certain information with his credit union. It also emerged that his daughter had contacted his employer in the past on her father's behalf and has relevant information to Plaintiff's motion as well. She advised that she would be submitting an affidavit tomorrow. Consequently, I will need until Wednesday, December 14, 2022 to finalize Plaintiff and his wife's declarations and submit the motion then. Hence the request.

I thank Your Honor for her attention to the above.

Respectfully submitted,

/s/ Robert Wisniewski  
Robert Wisniewski

Application DENIED. As the Court noted in its December 5, 2022 Order (Dkt. #19), Plaintiff has until **December 19, 2022**, to file an amended complaint, rather than a motion for default judgment, given the additional support Plaintiff intends to provide for its claims. As such, this request is denied as moot.

Dated: December 12, 2022  
New York, New York

SO ORDERED.



HON. KATHERINE POLK FAILLA  
UNITED STATES DISTRICT JUDGE